

**SUBJECT:** Proposed text amendment to §1419-21. Limited or Full Service Restaurant.

**PURPOSE:**

To obtain input and direction from the Planning Commission on zoning text as it relates to outdoor areas of limited or full service restaurants and/or drinking areas.

**PROPOSED TEXT AMENDMENT:**

**§ 1419-21. Limited or Full Service Restaurants and Drinking Establishments.**

Outdoor ~~eating~~ areas of limited or full service restaurants and drinking establishments must be located, developed and operated in compliance with the following:

- (a) Residential District Boundary Line. For the purposes of this section the term "residential district boundary line" shall mean the district boundary line of the SF-20, SF-10, SF-6, SF-4, SF-2, RMX, RM-2.0, RM-1.2, and RM-0.7 districts.
- (b) **Location.** Outdoor ~~eating~~ areas on any public sidewalk or alley requires a revocable street privilege.
- (c) **Maximum Size.** Within 500 feet of a residential district boundary line. ~~The~~ outdoor ~~eating~~ area may not exceed ~~25~~ 50 percent of the indoor ~~eating~~ area accessible to the public., ~~excluding other space not accessible to the public.~~ Additional area requires conditional use approval pursuant to the procedures and criteria of Chapter 1445, Variances, Special Exceptions and Conditional Uses.
- (d) **Barriers.** Decorative walls or fencing must enclose an outdoor ~~eating~~ area.
- (e) ~~**Alcoholic Beverages.** The provision of alcoholic beverages must be secondary and accessory to the provision of food.~~
- (f) ~~**Cooking Facilities.** Cooking facilities may not be located in outdoor eating areas.~~

- (g) **Live Entertainment.** ~~Live entertainment may not be presented in outdoor eating areas.~~ Within 500 feet of a residential district boundary line, entertainment, including the use of audio/visual equipment or amplified sound is prohibited unless conditional use approval is obtained pursuant to the procedures and criteria of Chapter 1445. Variance, Special Exceptions and Conditional Uses.
- (h) **Fixtures.** Furniture and fixtures provided for use in an outdoor eating area may consist only of movable tables, chairs, umbrellas, planters, lights and heaters. Lighting fixtures may be permanently affixed onto the exterior front of the building. All movable furniture and fixtures must be removed during the off-season.
- (i) **Hours of Operation.** Within 50 feet of a residential district boundary line ~~The~~ the use of outdoor ~~eating~~ areas is prohibited between ~~11~~ 10 PM and 7 AM on ~~weekends~~ Friday and Saturday and ~~10~~ 9 PM and 7 AM on ~~weekdays~~ on all other days unless conditional use approval is obtain pursuant to Chapter 1445 Variance, Special Exception and Conditional Uses. In all other locations, the use of outdoor areas shall be prohibited after 2:00 AM.
- (j) **Breweries and Wineries.** Beer and wine production accessory to a limited or full service restaurant is limited to an area that may not exceed 10,000 sq. ft and may not produce any objectionable odor, dust or fumes.
- (k) **Required Buffer Yards.** Where any side or rear yard of the permitted use abuts a residential district boundary line, a 10 foot buffer area ensuring visual and sonic separation shall be provided.pursuant to Chapter 1423-03 Landscaping Plan.
- (l) **Parking requirements for Outdoor Areas.** Off-street parking shall be calculated at 1 space per 300 square feet of outdoor floor area. Off-street parking facilities must be made permanently available to the use served.

#### **JUSTIFICATION:**

On December 16, 2005 the Planning Commission made recommendations to City Council on text changes to the Zoning Code for the regulation of outdoor eating and drinking areas. The Economic Development Committee of City Council held a public meeting on the proposed text changes on February 6, 2006. Based on comments received during the public meeting, revised text changes were submitted by Councilmember Chris Bortz and Councilmember David Crowley for consideration by the Planning Commission. The Planning Commission tabled the changes proposed by Councilmember Bortz and

Councilmember Crowley at the March 3, 2006 meeting until a meeting could be scheduled to discuss the impact of the proposed changes. The above text amendments are the result of the meeting with the Councilmembers, Planning staff and Planning Commission Chair, Caleb Faux.

Submitted by:

Margaret Wuerstle  
Chief Planner